

PERSONNEL BOARD BY-LAWS

1. **Purpose and Intent.** The membership and duties of the Personnel Board (the "Board") are prescribed in the San Bruno Municipal Code. These Bylaws set forth the procedural rules for the conduct of Board meetings.
2. **Meetings.** The Board shall conduct its business in accordance with Chapter 2.36 of the San Bruno Municipal Code, these Bylaws, the Ralph M. Brown Act (Government Code Section 54950 *et seq.*) and the Code of Conduct adopted by the City Council by way of Resolution No. 01-2604.
 - 2.1 **Regular Meetings.** The Board shall hold regular quarterly meetings at 5:30 p.m. on the third Monday of each quarter month, except that no meeting shall be held if a regular meeting day falls on a legal holiday. Regular meetings shall be held at the City Hall in the Capuchino Conference Room #113.
 - 2.2 **Special Meetings.** Special meetings may be called at any time by the Chair or by a majority of the Board, by delivering written notice to each member of the Board (hereinafter "member" or "members") and by posting the notice in the designated posting locations. Such notice may be delivered by any means and must be received at least twenty-four hours before the time of such meeting as specified in the notice, unless notice is waived in writing. The notice shall specify the time and place of the special meeting and the business to be transacted, and no other business shall be transacted at that meeting other than that contained in the notice.
 - 2.3 **Adjourned Meetings.** All meetings may be adjourned to another specified time, place and date, but not beyond the next regular meeting. If all members are absent from any regular or adjourned regular meeting the Secretary may declare the meeting adjourned to a stated time and place, and shall cause a written notice of the adjournment to be given in the same manner as provided in paragraph 2.2 above for special meetings. A copy of the notice of adjournment shall be conspicuously posted on or near the door of the place where the meeting was held within 24 hours after the time of the adjournment.
 - 2.4 **Study Sessions.** The Board may, from time to time, as part of a regular, adjourned or special meeting, meet in study session to focus on a particular matter within its jurisdiction. Action shall not be taken during a study session but direction may be provided.

2.5 Public Meetings. All meetings and study sessions of the Board shall be open to the public. Closed sessions may be held only when specifically authorized by the Brown Act.

2.6 Cancellation of Regular Meetings. The Board may cancel an upcoming regular meeting for lack of a quorum. Notice of the cancellation shall be posted in lieu of an agenda.

3. Organization of the Board.

3.1 Establishment. There is established a Personnel Board. The Board shall consist of three residents of the City, but not employees of the City. Members shall be appointed by and serve at the pleasure of the Mayor with the majority approval of the City Council, subject to removal at any time, pursuant to City Council procedures.

3.2 Term. The term of office of each member is four years.

3.3 Compensation. No person shall receive compensation for service as a member, except for reimbursement of all such expenses necessarily and legitimately incurred and authorized during the performance of official duties for payment for service as a proctor during administration of employment examinations.

3.4 Officers. The Board shall elect from its membership a Chair, who shall preside over meetings. The Board shall also elect a Vice-Chair, who shall preside in the absence of the Chair. The Chair and Vice-Chair are sometimes referred to herein as the “presiding officer.” The Chair shall have the following powers:

3.4.1 To call to order the meeting and to conduct the order of business as set forth in the agenda.

3.4.2 To adjust the agenda, if needed, at the time of the meeting with the approval of the Board;

3.4.3 To move, second, debate and vote;

3.4.4 To rule motions in or out of order;

3.4.5 To determine whether a speaker from the audience has exceeded his or her time or is otherwise out of order;

3.4.6 To rule on questions of parliamentary procedure based generally on Robert's Rules of Order;

- 3.4.7 To sign all resolutions and other documents necessitating his or her signature;
- 3.4.8 To call a brief recess during a meeting;
- 3.4.9 To appoint members to subcommittees with the approval of the Board; and
- 3.4.10 To maintain decorum.

The presiding officer's determination as to any of the above matters may be overruled by a majority of the members present.

- 3.5 **Organizational Meeting.** At its first meeting in January, the members shall elect a Chair and Vice-Chair from among its members.
- 3.6 **Term of the Chair and Vice-Chair.** The term of office of the Chair and Vice Chair shall be one year. A member may serve more than one consecutive term as Chair or Vice-Chair. Nothing shall prevent the Board from removing and replacing the Chair or Vice-Chair at any time during their respective terms, provided that the item is properly on the agenda of the meeting.
- 3.7 **Vacancy in the Office of Chair or Vice-Chair.** A vacancy in the office of Chair or Vice-Chair shall be filled for the remainder of the unexpired term by election at the next meeting provided the election has been noticed on the agenda.
- 3.8 **Vacancy of a Member's Seat.** A member may resign by submitting his or her resignation in writing to the Chair. The resignation is effective and irrevocable when submitted. In the event of an unscheduled vacancy of any member's seat prior to the expiration of his or her term, the City Council (or in the case of an individual appointment, the applicable Councilmember) may appoint a member to serve the remainder of the unexpired term. The newly appointed member shall take and subscribe to the oath of office before the next regular meeting after his or her appointment by the City Council.
- 3.9 **Quorum.** A majority of the total membership of the Board shall constitute a quorum for the transaction of business. Where there is not a quorum present, the Secretary of the Board shall announce that no meeting will be held due to lack of a quorum, and shall announce the date of the next regular or adjourned meeting. When a member is disqualified due to a financial conflict of interest, his or her presence shall not be considered in determining the presence of a quorum. Any decision of the Board shall

require a vote of the majority of the members present and qualified to vote.

3.10 Subcommittees. The Board may from time to time establish either standing or ad hoc subcommittees consisting of any number less than a quorum of its membership for the purposes of studying a specific area of concern. Standing subcommittees (that have a regular meeting schedule or continuing subject matter jurisdiction) are subject to all of the requirements of the Brown Act. The Board may refer matters to a subcommittee to report back to the full Board at a future date. The subcommittee report will be considered advisory and its recommendations are subject to action by the full Board.

4. Powers and Duties.

- 4.1** Serve in an advisory capacity to the City Council and City Manager;
- 4.2** Submit recommendations regarding the operation of the competitive service system related to recruiting and testing for the city council's consideration and approval;
- 4.3** Represent the public interest in the improvement of personnel administration in the city;
- 4.4** Monitor and provide oversight as to ensure that it is fair, equitable and just to all applicants;
- 4.5** Review the city's current hiring results and overall employee census; review the annual report which the city must submit to the Equal Employment Opportunity Commission (EEOC);
- 4.6** Monitor the city's job classification plan to ensure it is in compliance with current practice. Review proposed or modified job descriptions for conformance with the approved classification plan guidelines. Issue recommendations when a job description is determined to be in need of modification;
- 4.7** Monitor and review recruitment and marketing strategies to ensure that a broad based applicant pool has been advised of the opening. Review and comment upon recruitment flyers, advertising, etc., which may be used by the personnel office and issue recommendations for modification or improvement;
- 4.8** Provide input, recommendations and otherwise assist in the development of an overall recruitment and marketing strategy for announcement of openings; to ensure outreach activities and efforts are made within San Bruno to advise local residents of job openings within the city organization.

- 4.9 Serve as a monitor, or as a participant when requested by the personnel officer, on oral board interview and assessment center processes which are used to screen finalists. Issue recommendations and concerns as to the conformance of these processes with the personnel system rules and regulations;
- 4.10 Periodically review the city's screening process and procedures to ensure a broad based applicant pool. Provide recommendations, if needed, to the city manager for focused or targeted recruitment populations;
- 4.11 Serve as proctor for various written and pre-employment examinations as necessary; and
- 4.12 Provide other assistance as requested by the City Council or the City Manager.

5. **The Board Agenda.**

- 5.2 **Preparation of the agenda.** The Secretary of the Board shall formulate and prepare the agenda for meetings.
- 5.3 **Posting of the agenda.** The City Clerk shall cause to be posted an agenda for each regular meeting in the designated posting locations not less than 72 hours prior to the meeting. Agendas for adjourned meetings shall be posted in the same fashion, unless the business to be undertaken is limited to the items on the agenda of the meeting at which the adjournment occurs and the meeting is adjourned to a date within five days of the adjournment. Agendas of special meetings shall be posted and provided along with the notice of the meeting as provided in paragraph 2.2 above.
- 5.4 **Affidavit of posting.** Immediately following the posting of the agenda, the City Clerk shall cause to be completed an affidavit of posting. The affidavit shall indicate the time and location of posting, and shall be signed under penalty of perjury. The City Clerk shall retain all such affidavits in accordance with the City's records retention policy.
- 5.5 **Order of Business.** Items shall be placed on the agenda substantially according to the following "Order of Business." Upon review of the agenda at the beginning of any meeting, the Board may change the order of business in order to promote the efficiency of the meeting. The Order of Business for each regular meeting shall be as follows:
 - 1. Call to Order/Roll call
 - 2. Pledge of Allegiance

3. Approval of the Agenda
4. Approval of Minutes (unless approved on the Consent Calendar)
5. Public Comments on Consent Calendar and Matters Not on the Agenda
6. Consent Calendar
7. New Business
8. Unfinished Business
9. Excluded Consent
10. Items from Staff
11. Public Comments on Matters Not on the Agenda (remaining comments not heard during previous comment period)
12. Items from Members and Subcommittee Reports
13. Adjournment

5.5 Description of Matters on the Agenda. All items of business to be transacted shall be described briefly on the agenda in sufficient detail so that a reasonable person can determine the general nature of the matter under consideration. Not every recommendation or conceivable action or alternative need be listed. Generally, each item on the agenda shall contain a staff recommendation and the specific action requested to be taken.

5.6 Adding Items of Business to the Agenda. The Board shall not discuss or take action on any item of business not listed on the posted agenda except:

5.6.1 Upon a majority determination of the existence of an “emergency” as that term is defined in the Brown Act.

5.6.2 Upon a determination by a two-thirds vote of the members present, or if less than two-thirds of the membership is present, upon a unanimous vote, that there is an immediate need to take action and that the need to take action came to the attention of the City subsequent to the posting of the agenda. If the Board makes this determination, the minutes of the meeting shall reflect what circumstances gave rise to the need to take action after the posting of the agenda.

5.6.3 Where the item upon which action is to be taken was included on a properly posted agenda for a prior meeting of the Board occurring not more than five calendar days prior to the date of the meeting at which the item is to be considered, and the item was continued to an adjourned meeting.

5.7 Adding Items of Business to a Future Agenda. Any member may during “Items from Members” request that an item of business within the

Board's subject matter jurisdiction be added to a future agenda. Such requests are subject to approval of the Board.

- 5.8 Public Comments.** Members of the public shall be permitted to speak on each item of business on the agenda when the item is taken up and before action is taken on the item by the Board. Each speaker shall have a three (3) minute period to speak; time cannot be ceded to another speaker. In order to facilitate the conduct of the meeting, the Chair or the Board may lengthen or shorten the three-minute period for all speakers on a particular agenda item based on the number of persons in attendance wishing to speak or the complexity of the matter under consideration. The "Public Comments" item shall be limited to items on the Consent Calendar (and not pulled therefrom) and matters not on the agenda but within the subject matter jurisdiction of the Board. An individual may speak only once during "Public Comments," either at the first or second public comment period.
- 5.9 Notification.** Upon written request on an annual basis and payment of the fee required by the City's fee resolution, the Secretary will mail agendas or agenda packets to any person.
- 6. Minutes.** The minutes of meetings shall be kept by the Secretary in accordance with the following policy:
- 6.1** Minutes shall contain a record of all proceedings, motions, and actions, but shall only contain a summary of the discussion, not a verbatim transcription. The minutes shall accurately reflect what occurred at the meeting.
- 6.2** All motions, whether carried or not, shall be recorded, disclosing the author of the motion and the second, and the roll call vote.
- 6.3** Minutes of public hearings shall list when available the names and City of residence of all persons who speak during the hearing, and the position they took on the matter. The minutes need not include detailed or verbatim transcriptions of public comments.
- 6.4** An audiotape recording of all meetings shall be made and said recording tapes shall be kept for a period not less than thirty days following approval of the minutes, and shall be subject to disclosure during that time.
- 7. Annual Report.** The Board shall provide a report to the City Council concerning its actions, activities, and achievements during the preceding year, its goals for the subsequent year and any recommendations for improvement in providing service to the City. A summary of the annual report shall be presented orally at a regular City Council meeting.

8. **Secretary.** The City Manager or applicable Department Director or his/her designee shall serve as the Secretary for the Board. The Secretary shall:
- 8.1 Keep the minutes of all meetings and transmit approved minutes to the City Clerk;
 - 8.2 Give or serve all notices required by law or by these rules;
 - 8.3 Formulate and prepare the agenda for all meetings;
 - 8.4 Be custodian of Board records;
 - 8.5 Inform the Board of correspondence relating to business of the Board and attend to such correspondence;
 - 8.6 Handle funds allocated to the Board, as directed by the applicable Department Director, and in accordance with its directives, the law, and City regulations; and
 - 8.7 Sign official documents of the Board.
9. **Conduct of Meetings.**
- 9.1 **Action by the Board.** The Board shall proceed by way of motion. Any member, including the Chair, may make a motion and any member may second the motion except that the same person who made the motion cannot second it. A member may make only one motion at a time and a motion or second may be withdrawn by the maker at any time before a vote.
 - 9.2 **Adoption by Majority Vote.** A motion shall be adopted by an affirmative vote of a majority of the members present provided a quorum is determined to exist. Members have a duty to vote "aye", or "nay" on each motion. Abstentions shall be cast only if the member declares:
 - 9.2.1 The existence of a conflict of interest or other disqualification from voting; or
 - 9.2.2 A lack of sufficient information upon which to base a vote due to absence from a previous meeting.
 - 9.2.3 Abstentions are not counted in the vote tally.
 - 9.3. **Rules of Decorum.**

9.3.1 Rules for Members. Members of the Board shall conduct themselves in an orderly and businesslike manner to ensure that the business of the City shall be attended to efficiently and thoroughly and to ensure that the integrity of the deliberative process is maintained at all times. Members shall maintain a polite, respectful and courteous manner when addressing one another, City staff and members of the public during meetings. Members shall speak clearly into the microphone so that they can be heard by the audience.

a. Communication with Members

- 1) Members should request the floor of the Presiding Officer before speaking.
- 2) A member who is speaking shall attempt to avoid repetition and shall limit their comments to the subject matter at hand. Members should express their views without engaging in lengthy debates.
- 3) When one member is speaking, other members shall not interrupt or otherwise disturb the speaker.

b. Communication with Members of the Public Addressing the Board.

- 1) Members may question a person addressing the Board at the conclusion of the person's comments or upon expiration of the person's time to speak. Such questions shall be directed to the person through the Presiding Officer.
- 2) Members shall not engage the person addressing the Board in a dialogue with the Board or City staff, but shall confine communication to a question and answer format conducted through the Presiding Officer.
- 3) If a member of the audience has addressed the Board on matters that are not on the agenda, members shall refrain from discussion of the matter. If a member so wishes, the member may, if appropriate, during the "Items from Members" portion of the meeting, direct the Secretary to place the matter on the next agenda, subject to the approval of the Board.

9.3.2 Rules for City Staff.

- a. Decorum. City staff shall not engage in public dialogue or debate with members of the public during public meetings. When addressed by the Board, staff shall respond in a polite and respectful manner.
- b. Role of the Secretary. The Secretary's duties during the meetings include keeping a record of concerns raised by the Board regarding staff matters and directions for future staff action.

9.3.3 Rules for the Public

- a. Members of the Audience. Members of the audience shall not engage in disorderly or boisterous conduct, including the utterance of loud, threatening or abusive language, whistling, stamping of feet or other acts which disturb, disrupt, impede or otherwise render the orderly conduct of the meeting infeasible. A member of the audience repeatedly or continuously engaging in any such conduct shall, at the discretion of the Presiding Officer or a majority of the Board, be subject to ejection from that meeting.
- b. Persons Addressing the Board.
 - 1) Any person wishing to speak in connection with any item of business on the agenda shall first be invited to voluntarily complete a speaker request slip and submit the slip to the Secretary, although completion of the speaker's slip is not required to speak.
 - 2) No person shall address the Board without first being recognized by the Presiding Officer.
 - 3) No person addressing the Board shall make repetitious, slanderous or irrelevant remarks, or engage in any other disorderly conduct which disrupts, disturbs or otherwise impedes the orderly conduct of the meetings. Any person who so disrupts the meeting may, at the discretion of the Presiding Officer or a majority of the Board, be subject to ejection from that meeting.

9.3.4 Enforcement.

- a. The Chair shall follow the following procedure to maintain decorum:

- 1) Warning. The Presiding Officer shall request that a person who is disrupting the meeting cease such conduct. If after receiving a warning from the Presiding Officer, the person persists in the violation, the Presiding Officer shall order the person to leave the meeting. If the person does not leave the meeting, the Presiding Officer may order a law enforcement officer to remove the person from the chambers.
- 2) Removal. A law enforcement officer shall carry out the orders and instructions given by the Presiding Officer for the purpose of maintaining order and decorum. Upon instruction of the Presiding Officer, it shall be the duty of the law enforcement officer to remove from the meeting any person who is disturbing the proceedings.
- 3) Motion to Enforce. If the Presiding Officer fails to enforce the rules of order and decorum set forth above, any member of may move to require the Presiding Officer to do so, and an affirmative vote of a majority of the Board shall require the Presiding Officer to do so. If the Presiding Officer fails to carry out the will of the majority of the Board, the majority may designate another member to act as Presiding Officer for the purpose of enforcing the rules of order and decorum established above.
- 4) Clearing the Room. If a meeting is disturbed or disrupted in such a manner as to make infeasible or improbable the restoration of order, the Presiding Officer or a majority of the Board may exercise the authority granted in California Government Code Section 54957.9 by ordering the meeting room cleared and continuing in session in the manner authorized by Section 54957.9 of the Government Code. Members of the press shall be permitted to remain unless they have participated in the disruption.

9.4 Adjournment of Meetings. Meetings shall adjourn not later than 10:30 p.m., or as soon thereafter as the Board completes the item of business on the table at that hour, in which event items of business not yet addressed shall be continued to the next regular meeting or to an adjourned meeting. The Board may by majority vote extend the meeting beyond 10:30 p.m. in order to complete more of its agenda.

10. General

- 10.1 The Board and its activities are completely distinct from the Human Resources Department.
- 10.2 No member shall use any public resources including Human Resources Department, City, and/or Board letterhead and paper in any private activity.
- 10.3 The Human Resources Department Director shall approve and release any and all publicity releases, public information, pamphlets and other public relations. The purpose is to ensure that no release or programs will conflict with policies or programs of the City.
- 11. **Robert's Rules of Order.** If a matter arises that is not covered by these rules, the Brown Act or the San Bruno Municipal Code, the procedures of the Board shall be governed by the latest revised edition of Robert's Rules of Order to the extent not inconsistent with laws governing public agencies.
- 12. **Amendments to By-Laws.** These by-laws may not be amended unless the proposed amendment has been presented to and approved by the City Council.